Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-241

WARREN J. MOITY, SR.,
Petitioner

versus

LOUISIANA STATE BAR ASSOCIATION
Respondent

PETITION FOR WRIT OF CERTIORARI TO THE LOUISIANA STATE SUPREME COURT

WARREN JAMES MOITY, SR.
IN PROPERIA PERSONA
(Mailing Address)
P. O. Box 52229,
Lafayette, Louisiana 70501

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II. The Issues Presented By This Petition Are Novel And Urgently Require Decisions By This Court To Assure Uniform Nationwide Application Of Guarantee Of Freedom From Contractoral Impairments, As Embodied In Article I, Section 10, Of The United States Constitution, A State Can Through Its Bar Association, Change Educational Requirements For Bar Applicants After An Applicant Has Fufilled His Requirements At The Time Of The New Amendment.

III. The Issues Presented By This Petition Are Novel And Urgently Require Decision By This Court To Assure Uniform Nationwide Application of Whether, Consistently With The Freedom of Unreasonable Search And Seizure, Under The First And Fourth Amendments, A State, Through Its Bar Association, May Require As A Prerequisite To Taking Its Bar Examination, An Informal Permission For. Which Allows Its Bar Association Access to Any And All Public And Private Papers Of The Applicant.

IV. The Issues Presented By This Petition Are Novel And Urgently Require Decision By This Court To Assure Uniform Nationwide Application Of Whether, Consistently Guarantees of Equal Protection As Embodied In The First Amendment, Section 3, Of The United States Constitution, In That The Practice Of Law Is A Privilege, But That Privilege Must Be Equally Regulated Among All Applicants.

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LOUISIANA STATE BAR ASSOCIATION

Respondent

PETITION FOR WRIT OF CERTIORARI TO THE LOUISIANA STATE SUPREME COURT

WARREN JAMES MOITY, SR., in properia persona, prays that a writ of certiorari issue to review the Judgement of the Louisiana State Supreme Court entered in the above case on June 13, 1975.

OPINIONS BELOW

The opinion of the Supreme Court of Louisiana is appended hereto as Appendix "A".

JURISDICTION

The Judgements of the Louisiana State Supreme Court were made and entered on June 13, 1975, and copies thereof are appended to this petition as Appendix A.

This petition for certiorari was filed less than 90 days from the date aforesaid. The jurisdiction of this Court is invoked under Rule 19 (1) (a) of this Court; 28 U.S.C.A. 1257 (3).

CONSTITUTIONAL QUESTIONS PRESENTED

1. Whether consistently with the guarantees of due process as embodied in the Fourteenth Amendment, a state may, through its Bar Association, deny a Bar Applicant the right to take the Bar Examination without a hearing on his qualifications.

2. Whether consistently with the guarantee of Freedom from contractoral impairments, as embodied in Article I, Section 10, of the United States Constitution, a state can through its Bar Association, change educational requirements for Bar Applicants after an applicant has fulfilled his requirements at the time of the new amendment.

3. Whether, consistently with the freedom of unreasonable search and seizure, under the First and Fourth Amendments, a State, through its Bar Association, may require as a prerequisite to taking its Bar Examination, an informational permission form, which allows its Bar Association access to any and all public and private papers of the applicant.

4. Whether, consistently guarantees of equal protection as embodied in the first amendment, section 3, of the United States constitution, in that the practice of law is a privilege, but that privilege must be equally regulated among all applicants.

5. Whether, consistently with the equal protection clause as embodied in the first amendment, section 3, of the United States Constitution, Justices of a State Supreme Court, can without notifying both sides, call a State Bar Association, on the telephone, hold a conversation about the case without all parties being present and accepting an answer from the State Bar Association, without the other party receiving a copy of that answer, and also rendering a decision without a hearing.

CONSTITUTIONAL PROVISIONS

THE CONSTITUTION OF THE UNITED STATES, ARTICLE I, SECTION 10: Provides:

> "No state shall . . . pass any bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts."

CONSTITUTION OF THE UNITED STATES, AMENDMENT XIV, SECTION 1:

> **". . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

CONSTITUTION OF THE UNITED STATES, AMENDMENT IV:

> **The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.**

LOUISIANA CIVIL CODE, ARTICLE 1761:

A contract is an agreement, by which one person obligates himself to another, to give, to do or permit, or not to do something, expressed or implied by such agreement.

LOUISIANA CIVIL CODE, ARTICLE 1765:

To all contracts there must be at least two parties; one who does, or engages to do or not to do, another to whom the engagement is made. If this latter party makes no express agreement on his part, the contract is called unilateral, even in cases where the law attaches certain obligations to his acceptance.

LOUISIANA CIVIL CODE, ARTICLE 1779:

Four requisities are necessary to the validity of a contract:

1. **Parties legally capable of contracting.**
2. **Their consent legally given.**

3. A certain object, which forms the matter of agreement.

4. A lawful purpose.

ARTICLES OF INCORPORATION OF THE LOUISIANA STATE BAR ASSOCIATION; (MARCH 15, 1941; AS AMENDED TO SEPTEMBER, 1964, ARTICLE XII, SECTION 7):

Every applicant to be admitted to the practice of law in this State must meet the following requirements until such time as they may be changed by the Board of Governors of this Association with the approval of the Supreme Court:

A. At least thirty days prior to the date fixed for the examination, each applicant for admission must deliver to the Secretary of this Association an application addressed to the Committee on Bar Admissions on the required form, accompanied by a fee of ten dollars, ($10.00), and, if the applicant is subject to examination, accompanied by an additional examination fee of fifteen dollars ($15.00). The application shall be prepared by the applicant, in his own handwriting, and shall be sworn to by him before an officer authorized to administer oaths.

B. Each applicant must produce satisfactory evidence that he is:

(a) Of good moral character,

(b) Twenty-one years of age,

(c) A citizen of the United States of America,

(d) A graduate of a law school that is approved by the American Bar Association.

C. Each applicant must be certified to the Supreme Court by the Committee on Bar Admissions as having satisfactorily passed the required examinations.

D. Provided that until June 15, 1965, the Bar Admission rules existing as of May 7, 1959, shall continue to govern the admission of persons, who, prior to October 15, 1959, relying

on and complying with the requirements of the existing bar admission rules, commenced the study of law under the supervision of a Louisiana lawyer.

ARTICLES OF INCORPORATION OF THE LOUISIANA STATE BAR ASSOCIATION; (AS RESTATED MARCH 9, 1971, ARTICLE XIV, SECTION 7):

Every applicant to be admitted to the practice of law in this State must meet the following requirements until such time as they may be changed by the Board of Governors of this Association with the approval of the Supreme Court:

(a) At least forty-five days prior to the date fixed for the examination, each applicant for admission must deliver to the Secretary of this Association an application addressed to the Committee on Bar Admissions on the required form, accompanied by an examination fee of thirty-five dollars ($35.00). The application shall be prepared by the applicant, in his own handwriting, and shall be sworn by him before an officer authorized to administer oaths.

(b) Each applicant must produce satisfactory evidence that he is:

(a) Of good moral character,

(b) Twenty-one years of age,

(c) A citizen of the United States of America,

(d) A graduate of a law school that is approved by the American Bar Association.

(c) Each applicant must be certified to the Supreme Court by the Committee on Bar Admissions as having satisfactorily passed the required examinations.

STATEMENTS OF FACTS

Your Petitioner, is 52 years of age, a United States Citizen, and a resident of the Parish of Iberia, State of Louisiana.

On or about June 18, 1951, I began my study for the Louisiana Bar under a licensed Louisiana attorney, Mr. J. Minos Simon, of the Parish of Lafayette, State of Louisiana. This

study or apprenticeship was made pursuant to the then existing admission requirement of the Louisiana State Bar Association, that the education requirements for admission to the Bar could be met by studying under a licensed Louisiana lawyer for a period of three (3) years.

Your Petitioner resumed his study for the Bar on February 4, 1959, after having informed the Bar Association of my intention to do so. I studied under the Honorable Allen J. Lacobie, now deceased, for a period of four (4) years.

In 1959, the Louisiana State Bar Association still provided that the education requirements for admission to the Bar could be fulfilled under the apprenticeship provisions. In the latter part of 1959, the State Bar Association changed the then existing rules on educational requirements and instituted a new requirement that Bar Applicants be graduates of a law school approved by the American Bar Association. The Bar, did at this time, also add a grandfather clause to this new requirement, which provided that until June 15, 1965, the Bar Admission rules existing as of May 7, 1959, shall continue to govern the admission of persons, who, prior to October 15, 1959, relying on and complying with the requirements of the existing admission rules, commenced the study of law under the supervision of a Louisiana lawyer.

Your Petitioner clearly then, by 1965, completed my educational requirements for my admission to the Louisiana Bar Association.

Your Petitioner made application in the early 1960's for permission to take the bar examination, but was denied such because of my controversal reputation in the political arena. I have since that time, tried to build my reputation as a man of integrity and honesty so as to again attempt to make applications to be allowed to take the Louisiana State Bar Association Examination.

In February, 1975, your petitioner, again made application to the State Bar Association for permission to take the July, 1975 examination. The forms necessary for applying to

take the July, 1975, Bar examination, were in due course, sent to me and completed by me.

Your Petitioner, fearing that the State Bar Association would deny my request at the late date to take the Bar Examination. filed a Writ of Mandamus with the Louisiana Supreme Court, requesting that they instruct the Bar Association to give me the Bar Examination. That writ was denied, and an appeal for a Writ of Certiorari to the United States Supreme Court is now filed to seek redress of grievances which cannot properly be handled through the Louisiana Court System.

REASONS FOR GRANTING THE WRIT

The Louisiana State Bar Association in changing the admission requirements for Bar Applicants after the petitioner herein completed his educational requirements under the then existing law violated the petitioner's constitutional rights by imparing contractual obligations.

THE CONSTITUTION OF THE UNITED STATES, ARTICLE I, SEC. 10, provides that "No State shall . . . pass any Bill of Attainder, ex post facto law, **or law impairing the obligation of contracts,** or grant any title of Nobility."

THE LOUISIANA CIVIL CODE, ARTICLE 1761, defines contracts as an agreement by which one person obligates himself to another to give, to do **or permit** or not to do something expressed or implied by such agreement.

THE LOUISIANA CIVIL CODE, ARTICLE 1779, further provides four (4) requisites to the validity of a contract:

1. Parties legally capable of contract,
2. Consent,
3. A certain object,
4. Lawful purposes.

Your Petitioner herein contend that his study of law commenced on June 11, 1951, under the then existing rules of the Louisiana State Bar Association, providing for an apprenticeship

of three (3) years under a licensed Louisiana lawyer, was an implied and written contract with the Louisiana State Bar Association by which the Bar Association agreed impliedly and by written "acceptance" to certify him educationally for the Bar when he fulfilled his requirements of studying under a licensed Louisiana lawyer.

THE LOUISIANA CIVIL CODE, ARTICLE 1765, provides that to all contracts there must be at least two parties, one who engages to do and another to whom the engagement is made. There can be little doubt that the agreement with the Louisiana State Bar Association falls squarely within this article, for your Petitioner in 1951, obligated himself to study under a Louisiana attorney as a prerequisite for Bar Admission and the State Bar Association in accepting this arrangement, allowed him to do so.

The study of law commenced by your Petitioner in 1951 was discontinued one year later and reapplication was made in January 2, 1959, to resume these studies. In 1959, when this reapplication was made, the same bar admission provisions with regards to educational requirements of Louisiana lawyers were still in effect.

Again, as in 1951, an implied and written contract was agreed to by which the Louisiana State Bar Association allowed your Petitioner to fulfill his educational requirements by studying under the Honorable Allen J. Lacobie, (now deceased).

In the early 1960's, the Louisiana State Bar Association amended its Articles of Incorporation to provide a new educational requirement, prerequisite for bar admission. The amended requirement then and now reads that each bar applicant must be a graduate of a law school that is approved by the American Bar Association.

The Louisiana State Bar Association, cognizant of the fact that many individuals studying under Louisiana attorneys fulfilling the educational requirements under the previous provisions would be prejudiced by this new amendment, included in this amendment a grandfather clause which provided that **"until June 15, 1965, the Bar Admission rules existing as of May 7, 1959, shall continue to govern the admission of persons who, prior to October 15, 1959, relying on and complying with the requirements of the existing Bar Admission rules commenced**

the study of law under the supervision of a Louisiana lawyer."

Clearly, your petitioner had **relied and complied** with the existing May 7, 1959, Bar Admission rules and was then studying under a licensed Louisiana lawyer, as a prerequisite for educational certification.

Prior to the 1965 date above mentioned, I had fulfilled all of the educational requirements required under the Bar Admission rules of May 7, 1957.

Your petitioner then made application for bar admission, and was denied that request, not on educational grounds, but on grounds that I failed affirmatively to show good moral character to the **"satisfaction of the Committee on Bar Admission.** Your petitioner then began a conscientious effort to establish a record of business, political, and personal achievements that would be a basis for a later application for Bar Admission and which would evidence an affirmative showing of good moral character.

In May, 1975 your petitioner again made application to the Louisiana State Bar Association for permission to take the July, 1975, Bar Examination. In furtherance of this goal, I enrolled in the Bar Examination course at the Louisiana State University Law School, attended all sessions and successfully completed this refresher exercise.

The requisite forms necessary for application were completed and returned to the Louisiana State Bar Association. The new forms now require a statement that the applicant is a graduate of a law school that is approved by the American Bar Association.

Due to the fact that your petitioner is a special case and had fulfilled my educational requirements under the May 7, 1959, educational provisions, I then filed a Writ of Mandamus with the Louisiana Supreme Court, requesting that they certify me educationally to the Louisiana State Bar Association, and allow me to sit for the July, 1975, Bar Examination. This writ was denied summarily and without hearing, the effect being that I am now in a state of "limbo" regarding my Bar Application.

Because of the constitutional infringement by the Louisiana State Bar Association of my contractual obligations in Article I, Section 10, of the United States Constitution, my only recourse to seek redress of my grievance is this Writ of Certiorari to this land's highest court.

2. The Supreme Court of Louisiana in denying the Writ of Mandamus without a hearing violated the due process clause of the Fourteenth Amendment.

Your petitioner requested that a Writ of Mandamus issue to the Louisiana State Bar Association, instructing them to certify me educationally as an applicant to sit for the July, 1975, Bar Examination. This writ was summarily, and without a hearing, denied. The Constitution of the United States, Amendment XVI, Section 1, provides that ". . . No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, **without due process** of law; nor deny to any person within its jurisdiction the **equal protection of the law.**"

It is your petitioner's contention now expressed in this Writ of Certiorari that my fulfilled educational requirements is a vested right and that the deprivation of that right by a summary denial without **due process** and a chance to be heard was a violation of the **United States Constitution.**

Your petitioner was not even appraised of the reason I did not fulfill the requirements for Bar Admission on the face of the denied writ.

Even though petitioner served a copy of said Writ on Louisiana State Bar Assn. completely unknown to petitioner, without petitioner being present, or notified a private conversation was held by at least, one of the Justices, The Honorable Albert Tate, Jr., on MAY 8, 1975, with Edward F. Wegmann, Chairman, Committee on Bar Admissions, discussing petitioner's case. That, the Supreme Court sought and got the Louisiana State Bar Association to file an answer, a copy of which was NOT FURNISHED petitioner. That the only time petitioner was notified or had knowledge that such an answer was filed was when he examined the Louisiana Supreme Court's file in preparing for this Application For Writ Of Certiorari To The

Louisiana State Supreme Court, In The Supreme Court Of The United States. That such action on the part of the Louisiana Supreme Court, was unethical and it denied petitioner Equal Protection Of The Law As Embodied In The First Amendment, Section 3, Of The United States Constitution. That the Louisiana Supreme Court acted ARBITRARY AND CAPRICIOUS, IN DENYING PETITIONER THE RIGHT TO BE PRESENT DURING DISCUSSIONS CONCERNING HIS CASE, nor was petitioner given a chance to take part in those discussions, which resulted in petitioner being denied due process of law by having his Writs refused without a hearing. That the answer of the Louisiana State Bar Association contained unfair, incomplete and bias statements which does not necessarily present the facts which petitioner would have been in a position to prove had he been granted a hearing.

The Supreme Court of Louisiana as evidenced by the attached writ of denial stated that the denial was based on his not fulfilling the Bar Admission requirements. The Louisiana Supreme Court then cites Article IV, Section 7-B, of the Articles of Incorporation of the Louisiana State Bar Association, as reason.

A study of the Articles of Incorporation of the Louisiana State Bar Association shows that this is a non-existent section of Article IV. We are now faced with a decision of the highest court in Louisiana based on a **non-existent section of the Articles of Incorporation of the Louisiana State Bar Association.**

3. The informational permission form required of all bar applicants is violative of the First and Fourth Amendments by **forcing** the applicant to consent to an unlawful, and unconstitutional search and seizure of the public and private records of an applicant.

The United States Constitution, Amendment IV, provides that "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The Louisiana State Bar Association, as a matter of routine, insist the applicants do sign informational waiver forms which allows it to conduct, if they so desire, a full scale "fishing expedition" into the personal life, political associations, medical and business records of the applicants. This **"search"** is not based on any statements made by the applicant in his application which would establish **"probable cause"**. This form is a required addition to the bar application form required of all applicants.

Hence, the Louisiana State Bar Association, without a showing of probable cause to conduct an investigation forces applicants into providing access to all information which the Louisiana State Bar Association may eventually use to establish probable cause for the denial of the bar application. This is patently and unconscionably unconstitutional and a violation of the basic rights embodied in our national charter.

CONCLUSION

For these reasons, a writ of certiorari should issue to review the judgement of the Louisiana State Supreme Court.

Respectfully Submitted,

WARREN JAMES MOITY, SR.
IN PROPERIA PERSONA
P. O. Box 52229
Lafayette, Louisiana 70501

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing brief has been duly served upon Louisiana State Bar Association, Supreme Court Building, New Orleans, Louisiana.

New Iberia, Louisiana, this ------ day of ----------, 1975.

WARREN JAMES MOITY, SR.

APPENDIX A

SUPREME COURT OF LOUISIANA

New Orleans, 70112

WARREN JAMES MOITY, SR. June 13, 1975

V.

LOUISIANA STATE BAR ASSOCIATION NO. 56,272

- - - - -

In re: Warren James Moity, Sr. applying for admission to Louisiana State Bar.

- - - - -

Writ denied.

Applicant has failed to comply with requirements for admission set forth in the Articles of Incorporation of the Louisiana Bar Association. See Article IV Section 7 (B).

/s/ WFM
/s/ JWS
/s/ FWS
/s/ MEB
/s/ AT Jr.
/s/ JAD
/s/ PFC

- - - - -

A TRUE COPY
Clerks' Office
Supreme Court of Louisiana
New Orleans June 13, 1975
/s/ Phil Trice
Deputy Clerk
(SEAL)

SUPREME COURT OF LOUISIANA

No. 56272

IN RE:

WARREN JAMES MOITY, SR.

ANSWER TO PETITION

FOR SUPERVISORY WRIT OF CERTIORARI

TO THE HONORABLE, THE CHIEF JUSTICE AND THE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE STATE OF LOUISIANA:

NOW INTO THIS HONORABLE COURT comes the Committee on Bar Admissions of the Louisiana State Bar Association, through its undersigned counsel, and for answer to the petition filed herein by Warren James Moity, Sr., says:

1.

Respondent denies the allegations contained in Paragraph 1 of the petition for lack of sufficient information.

2.

Respondent admits the allegations contained in Paragraph 2 of the petition.

3.

Respondent denies the allegations contained in Paragraph 3 of the petition and, more particularly, Respondent specifically denies that Petitioner is a person of good moral character; Respondent further denies that it has on file any current application by Petitioner to take the bar examination.

4.

Respondent admits that on April 17, 1975 it received a letter from Petitioner dated April 15, 1975 requesting an application form, and that in response to this request, Respondent

forwarded to Petitioner an application form and various supporting documents for the July 1975 bar examination; however, Respondent specifically denies that Petitioner completed and delivered the required application forms to the Committee as required by Article XIV, S 7 (A), of the Articles of Incorporation of the Louisiana State Bar Association and the rules of this Court.

5.

Respondent denies the allegations contained in Paragraph 5 of the petition. More particularly, Respondent specifically denies that there is on file with the Committee any such evidence in the required form that Petitioner did study law under a reputable Louisiana lawyer in excess of three years. Further, Respondent specifically avers that the former rule permitting persons to qualify to take the bar examination by pursuing a prescribed course of study under a reputable Louisiana attorney was abolished in 1959 by order of this Honorable Court amending Article XII (now Article XIV), S 7 (D) of the Articles of Incorporation of the Louisiana State Bar Association and the rules of this Court. As amended in 1959, the present rules require each applicant for the bar examination to produce satisfactory evidence that he is a graduate of a law school approved by the American Bar Association. (See Orders of this Honorable Court dated May 19, 1959 and July 31, 1959). Article XII, (now Article XIV), S 7 (D), as amended in 1959 by Orders of this Honorable Court, further provided that:

> "* * * until June 15, 1965 the Bar Admission rules existing as of May 7, 1959, shall continue to govern the admission of person, who, prior to October 15, 1959 relying on and complying with the requirements of the existing Bar Admission rules commenced the study of law under the supervision of a Louisiana lawyer, * * *." (Order of this Court dated July 31, 1959).

Accordingly, after June 15, 1965, **all** persons applying for admission to the bar in this State must meet the requirement of producing satisfactory evidence of graduation from a law school approved by the American Bar Association. Petitioner clearly does not meet this requirement, and, therefore, is not eligible,

under the Articles of Incorporation and the rules of this Court, for admission to the bar of this State.

6.

Respondent denies the allegations contained in Paragraph 6 of the petition. More particularly, Respondent specifically denies that Petitioner has complied with the requirements to take the bar examination as set forth in the Articles of Incorporation and the rules of this Court. Respondent has not received, and does not have on file, a current application form from Petitioner to take the July 1975 bar examination.

7.

Respondent denies the allegations contained in Paragraph 7 of the petition; Respondent specifically avers that Petitioner is not entitled to any relief from this Honorable Court, either in the form of a mandamus or in the form of a verbal examination of Petitioner by the Court.

AND NOW IN FURTHER ANSWER AND RESPONSE to the petition herein, Respondent says:

8.

Respondent respectfully suggests to this Honorable Court that the petition filed herein by Warren James Moity, Sr. is premature in that Petitioner has never filed an application with the Committee on Bar Admissions to take the July 1975 bar examination, as required by Article XIV, S 7 (A), of the Articles of Incorporation of the Louisiana State Bar Association, approved and adopted by this Honorable Court as rules of the Court.

9.

Respondent further avers that the present petition by Warren James Moity, Sr. seeking admission to the bar is barred by the doctrine of **res judicata.** The petition filed herein raises the identical issues as to Petitioner's educational qualifications and good moral character that were raised in a previous petition filed in this Court by Mr. Moity, bearing Docket No. 45,062 on the docket of this Honorable Court. This previous petition

by Mr. Moity was dismissed, **with prejudice,** on December 6, 1960, as reflected in the records of this Honorable Court. Accordingly, the doctrine of **res judicata** now bars Petitioner from again raising the identical issues in the present matter.

10.

Respondent further shows that, on the face of the petition itself, Petitioner is not entitled to admission to the Bar of this State, since Petitioner has failed o allege or produce satisfactory evidence that he is a graduate of a law school approved by the American Bar Association, as required by Article XIV, S 7 (B) of the Articles of Incorporation of the Louisiana State Bar Association, approved and adopted by this Honorable Court as rules of the Court. The former rule permitting persons to study law under a Louisiana attorney was abolished in 1959 and, by order of this Honorable Court, no applicant for admission subsequent to June 15, 1965 can rely on the former rule for admission. (See Orders of this Court dated May 19, 1959 and July 31, 1959.)

11.

Respondent further avers that, even assuming that the former rule allowing study under a Louisiana lawyer applied to Petitioner in this case, which is specifically denied, Petitioner has never qualified as an applicant for admission to the practice of law in this State under the former rule in that Petitioner has never furnished the Committee on Bar Admissions with the required certificates of Louisiana attorneys who have supervised his study of law to the effect that he has pursued the study of law under their supervision for a period of three years. (See Paragraphs 11 and 12 of the Answer filed by the Louisiana State Bar Association in connection with the previous petition by Warren J. Moity seeking admission to the bar. Docket No. 45,062 on the docket of this Honorable Court, and the certificates contained in the record of that proceeding.)

12.

Respondent further avers that Petitioner is not eligible for admission to the bar in this State or to sit for the bar examination in this State for the reason that Petitioner has

not produced satisfactory evidence that he is of good moral character, as required by Article XIV, S 7 (B), of the Articles of Incorporation of the Louisiana State Bar Association and the rules of this Court. Respondent shows that in 1959, the Committee on Bar Admissions conducted at extensive investigation into the character of Petitioner and as a result of that investigation unanimously concluded that Petitioner had failed to produce satisfactory evidence of good moral character. Since that date, Petitioner has never furnished the Committee on Bar Admissions with any additional evidence of good moral character. Since Petitioner has not filed a current application with the Committee, the Committee has not had the opportunity to formally investigate or consider Petitioner's moral character in connection with the present petition for admission. However, public records recently brought to the attention of the Committee indicate that Petitioner has continued even in recent years to demonstrate those undesirable character traits which lead the Committee to originally conclude that he lacked good moral character. As some evidence of Petitioner's lack of good moral character in recent years, Respondent notes that Petitioner was convicted of contempt for making scandalous allegations in pleadings filed in connection with a civil suit, **Moity v. Mahfouz,** 137 So. 2d 513 (La. App. 3rd Cir. 1961), **cert. den:;** 242 La. 625, 137 So. 2d 514; Petitioner was implicated in a scheme along with his spouse which involved a sham or simulated lease designed to construct a building without paying for the labor and material, **Teche Concrete, Inc. v. Moity,** 168 So. 2d 347 (La. App. 3rd Cir. 1964); Petitioner has been convicted of criminal defamation in 1971, **State v. Warren J. Moity,** Docket No. 30, 037, Acadia Parish; and, even more recently, Petitioner has been found guilty of perpetrating a fraud in connection with the transfer of real estate, **Champagne v. Moity,** 303 So. 2d 221 (La. App. 4th Cir. 1974). Respondent submits that the foregoing are merely a few examples of the undesirable character traits exhibited by Petitioner in recent years and is not intended to be all inclusive, as Respondent believes that further investigation will reveal still further evidence of Petitioner's lack of good moral character.

WHEREFORE, Respondent prays that the foregoing answer be deemed good and sufficient and that after due proceedings had, there be judgment herein rejecting and dismissing this petition at the costs of Petitioner, and for all further general and equitable relief.

Respectfully submitted,

CARL J. BARBIER
Suite 409, 234 Loyola Building
New Orleans, Louisiana 70112
Telephone: 529-1456
Attorney for The Committee on
Bar Admissions of the Louisiana
State Bar Association

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Answer to Petition for Supervisory Writ of Certiorari has been served upon Petitioner, WARREN JAMES MOITY, SR., in proper person, by mailing a copy of same to him on this _____ day of June, 1975.

CARL J. BARBIER